

Westminster Legal Policy Forum Keynote Seminar: Libel law - next steps for reform

Timing: Morning, Thursday, 12th May 2011

Venue: Sixty One Whitehall, London SW1A 2ET

Draft agenda subject to change



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FORUM

- 8.30 - 9.00 Registration and coffee
- 9.00 - 9.05 **Chairman's opening remarks**
Rt Hon the Lord Fowler
- 9.05 - 9.25 **Defamation law and reform in England and Wales - an overview of the issues**
Libel law and the reform debate in broad, comparative context.
Professor Gavin Phillipson, Professor of Law, Durham Law School, Durham University
Questions and comments from the floor
- 9.25 - 9.50 **Libel - the next steps for policy**
Rt Hon the Lord McNally, Minister of State, Ministry of Justice and Deputy Leader of the House of Lords
Questions and comments from the floor
- 9.50 - 10.50 **Perspectives on the Government's draft Defamation Bill**
In light of Government proposals to introduce a new requirement that a statement must have caused 'substantial harm' in order for it to be defamatory, will the burden of proof be significantly altered in this area of law? How might the introduction of new statutory defenses - such as responsible publication, truth and honest opinion - impact on the future of defamation? What implications would proposals for a single publication rule with a one year limitation have, and would this adequately reflect the nature of modern publishing? To what extent has the issue of libel tourism been addressed in the Bill, and are provisions to ensure the relevance of cases that reach domestic courts adequate? How might recent controversy regarding the use of super-injunctions inform Government consultation on the draft Bill?
Nigel Tait, Partner, Carter-Ruck
Desmond Browne QC, Joint Head of Chambers, 5 Raymond Buildings
Jonathan Heawood, Director, English PEN
Professor Alastair Mullis, Professor of Law and Head of School, Law School, University of East Anglia
Fiona Godlee, Editor in Chief, British Medical Journal
Prash Naik, Controller of Legal & Compliance, Channel 4
Questions and comments from the floor
- 10.50 - 11.15 **An international perspective on UK libel law**
Daniel Kornstein, Partner, Kornstein Veisz Wexler & Pollard, New York
Questions and comments from the floor
- 11.15 - 11.20 **Chairman's closing remarks**
Rt Hon the Lord Fowler
- 11.20 - 11.40 Coffee
- 11.40 - 11.45 **Chairman's opening remarks**
Willie Bain MP
- 11.45 - 12.20 **Libel in the internet age**
In what ways do digital services such as blogging, interactive forums and social media pose challenges to the future of defamation, and should this issue be included in the Government's Defamation Bill? Do current proposals for a single-publication rule adequately reflect the nature of digital publishing and the frequency of downloads? What responsibilities are currently placed on intermediaries such as web hosts when libel action is taken, and how might this current framework need to change if included in the bill?
Gill Phillips, Director, Editorial Legal Services, Guardian News and Media
David Allen Green, Head of Media, Preiskel & Co and blogger, *New Statesman* and *Jack of Kent*
Emma Ascroft, Director, Public Policy, Yahoo! UK & Ireland
Questions and comments from the floor
- 12.20 - 12.55 **Prospects for early resolution and the cost of libel action**
How adequate are current options for early resolution when libel action is undertaken? Is there a tendency for the High Court to be used unnecessarily in this field of law, and if so, how can this be addressed? Do costs restrict access to justice in defamation, and how might reforms address the "inequality of arms" often perceived when large corporations undertake defamation cases? How might removing presumptions in favour of jury trials improve prospects for early resolution?
Ian Birdsey, UK & International TMT Claims Manager, Hiscox
Hardeep Singh, Freelance Journalist & Broadcaster and Press Secretary, Network of Sikh Organisations
Alastair Brett, Media Law Consultant and Founding Director, Early Resolution Procedure Group
Questions and comments from the floor
- 12.55 - 13.00 **Chairman's and Westminster Legal Policy Forum closing remarks**
Willie Bain MP
Sean Cudmore, Senior Producer, Westminster Legal Policy Forum